

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
N/S Cedar Grove Road, 580 ft. W
of Frankewitz Road
809 Cedar Grove Road
11th Election District
5th Councilmanic District
Yvonne E. Hume
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-350-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage a height of 22 ft., in lieu of the required 15 ft., as more particularly described on Petitioner's Exhibit No. 1.

The petitioner having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or

unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of April, 1992 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage a height of 22 ft., in lieu of the required 15 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Compliance with the Department of Environmental Protection and Resource Management

Recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Suite 113, Conthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1386

April 23, 1992

Ms. Yvonne E. Hume
809 Cedar Grove Road
Essex, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 92-350-A

Dear Ms. Hume:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

ORDER RECEIVED FOR FILING
1992 APR 23 10 11 AM
BY: [Signature]

ORDER RECEIVED FOR FILING
1992 APR 23 10 11 AM
BY: [Signature]

-2-

-3-

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) TO PERMIT A GARAGE A HEIGHT OF 22 FEET IN LIEU OF THE REQUIRED 15 FEET.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

1. NO ATTIC OR BASEMENT IN SMALL 3BR. HOME ON PREMISES.
2. LARGE ATTIC IN THE GARAGE WOULD BE USED FOR STORAGE.
3. DUE TO THE EPA CRITICAL AREA REGULATION REQUIRING NO MORE THAN 25% IMPERVIOUS SERVICE, THE SECOND FLOOR ATTIC STORAGE BEST UTILIZED THE AVAILABLE AREA.
4. OUR SMALL HOUSE HAS NO BASEMENT OR OTHER STORAGE SPACE.
5. HEIGHT VARIANCE WILL NOT ADVERSELY EFFECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

(Signature)

Address

Legal Owner(s):
YVONNE E. HUME
(Type or print name)

(Signature)
Yvonne E. Hume

(Type or print name)

(Signature)

809 CEDAR GROVE ROAD

Address

ESSEX, MD 21221

City State Zip Code

(Signature)

YVONNE E. HUME

Address

AS ABOVE

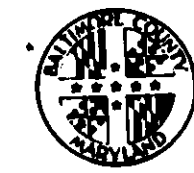
City State Zip Code

410-337-7587

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of March, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: [Signature] DATE: 3/12/92

ESTIMATED POSTING DATE: 4/15/92 ESTIMATED CLOSING DATE: _____



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at

ESSEX MD 21221

City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

THERE IS NO PLACE FOR STORAGE WITHIN THE EXISTING HOUSE AND

THERE IS A NEED TO STORE SEASONAL ITEMS SUCH AS THE CHRISTMAS

TREE AND OTHER CHRISTMAS DECORATIONS, SPORTING EQUIPMENT, BOATING

EQUIPMENT, SEASONAL CLOTHING. THERE IS ALSO A NEED TO STORE

MAINTENANCE ITEMS FOR THE DWELING AS WELL AS SNOW AND YARD CARE

EQUIPMENT. WE NEED TO FIND A WAY TO PROVIDE FOR THIS STORAGE

AND STAY WITHIN THE EXISTING 25% EPA GUIDE LINES FOR IMPERVIOUS

SERVICE. WE ALSO EXPECT TO BUY A BOAT AND WE ALREADY HAVE THREE

AUTOS TO GARAGE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

(Signature)
Yvonne E. Hume

(Type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of March, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Yvonne E. Hume, Affiant.

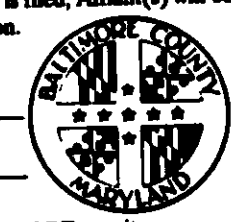
(Signature)
Sharon C. Walker

(Type or print name)

AS WITNESS my hand and Notarial Seal.

3/4/92

My Commission Expires: 11/21/93



92-350-A
Zoning Description

Beginning at a point on the northwest side of Cedar Grove Road which is 30ft wide at the distance of 50 feet west of the center line of the nearest improved intersecting street Frankewitz Rd. which is 30 feet wide. Being lot #14 Block = Section = in the Cedar Grove Holly Neck Subdivision as recorded in Baltimore County Plat Book #12 Folio #132 containing 15,600 sq feet ±. Also known as 809 Cedar Grove Road and located in the 15th election district.

LEGAL DESCRIPTION

BEGINNING for the same on the northwest side of Cedar Grove Road at the dividing line between lot Nos. 13 and 14 as shown on the Plat of Cedar Grove Holly Neck, recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No. 12 folio 122, and running thence and binding on the northwest side of Cedar Grove Road, South 45 degrees 21 minutes West 22 feet, thence for lines of division across Lot No. 14 North 12 degrees 21 minutes West 87.80 feet and South 75 degrees 1 minute West 15.85 feet to intersect the dividing line between lots Nos. 14 and 15 as shown on said plat, thence with a part of said dividing line North 0 degrees 15 minutes East 242 feet more or less to the shore line and waters of Cedar Creek, thence northeasterly binding on the shore line and waters of Cedar Creek 52 feet more or less to the dividing line between lot Nos. 13 and 14 herein referred to, and thence with said last mentioned dividing line South no degrees 15 minutes West 326 feet more or less to the place of beginning.

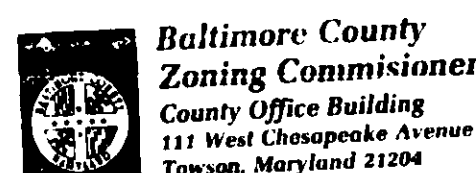
BEING known and designated as part of Lot No. 14 of Cedar Grove as shown on a Plat filed among the Land Records of Baltimore County in Plat Book C.W.B. No. 12 folio 122.

(FOR REFERENCE) 371

92-350-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12 Date of Posting: 7/15/92
Posted for: 12-350-A
Petitioner: Ms. Yvonne Hume
Location of property: 809 Cedar Grove Road, 809 Cedar Grove Road, 809 Cedar Grove Road
Location of Sign: 809 Cedar Grove Road, 809 Cedar Grove Road, 809 Cedar Grove Road
Remarks: None
Posted by: [Signature] Date of return: 7/15/92
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

04AD9H0133ATQWMC \$60.00
BA 001233FMO3 17-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

March 27, 1992

(410) 887-3353

COPY

Yvonne E. Hume
809 Cedar Grove Road
Essex, Maryland 21221

Re: CASE NUMBER: 92-350-A
LOCATION: N/S Cedar Grove Road, 580' W of Frankowitz Road
809 Cedar Grove Road
11th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 5, 1992. The closing date is April 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: July 22, 1992
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item 371
809 Cedar Grove Road
Zoning Advisory Committee Meeting N/A

The Department of Environmental protection and Resource Management offers the following comments on the above referenced zoning item.

See attached Chesapeake Bay Critical Area Findings.

JLP:ju

JABLON/S/TXTJEU

RECEIVED
AUG 5 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management
DATE: July 15, 1992
FROM: J. James Dieter
SUBJECT: Petition for Zoning Variance - Item 371
Hume Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 809 Cedar Grove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Ms. Yvonne Hume

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 of the Baltimore County Zoning Regulations to permit a detached garage with a height of 22 feet in lieu of the required 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Memo to Mr. Arnold Jablon
July 15, 1992
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: The proposed garage is located more than 100 feet from the tidal waters of Cedar Creek. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: The proposed garage does not create impervious surfaces which exceed 25% of the lot, and is therefore in compliance with the above regulation.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: This property has existing tree cover which meets the 15% forest cover requirement. However, property owners are always encouraged to plant additional native trees. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Memo to Mr. Arnold Jablon
July 15, 1992
page 3

5. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.
- Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to previous areas, to encourage maximum infiltration.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

[Signature]
J. James Dieter, Director

JJD:NSP:ju
Attachment
HUME/TXTNNS



92-350-A



12-350-A

V-0

#371

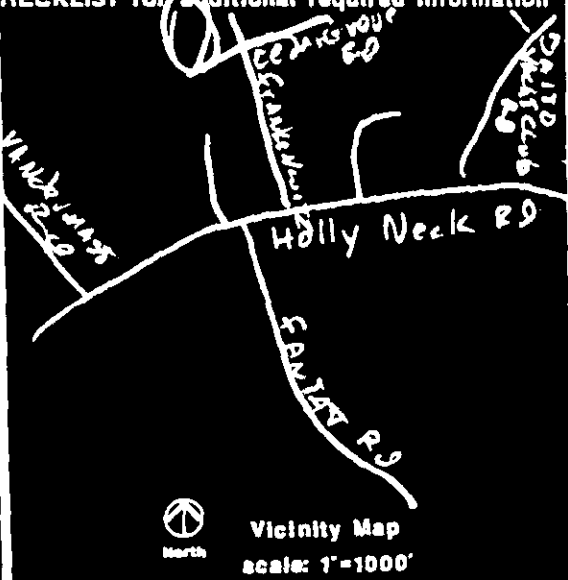
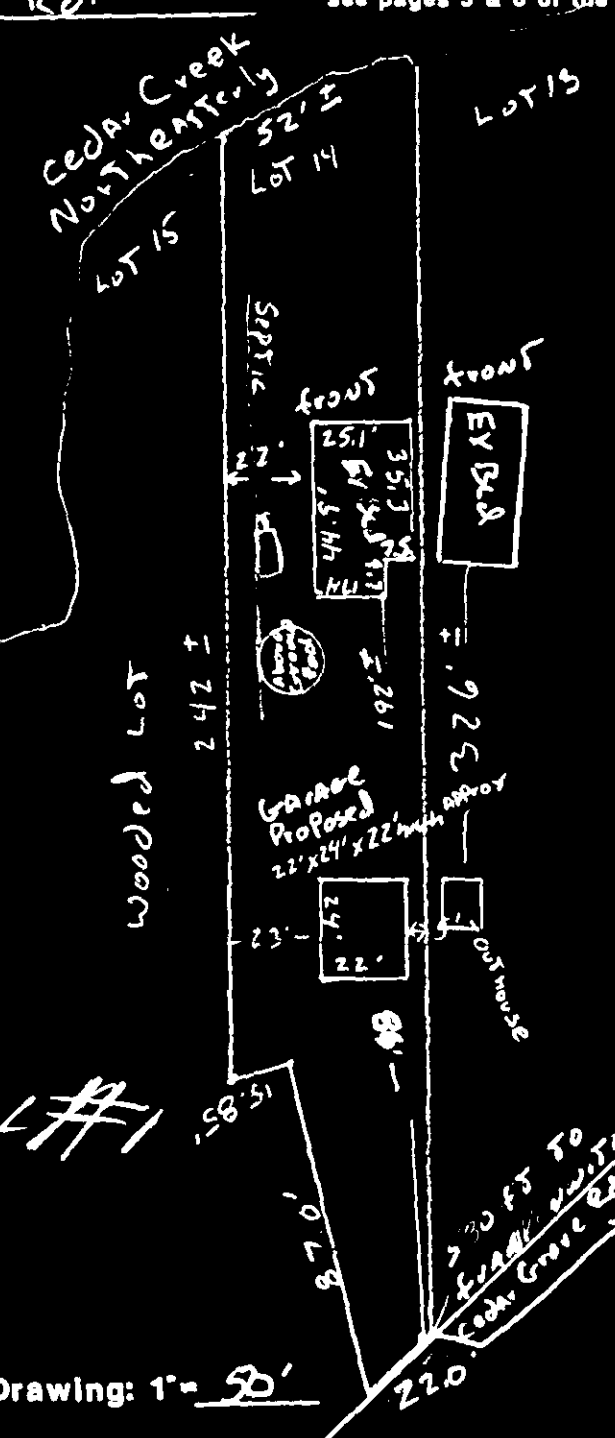


Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 809 Cedar Grove Rd.

Subdivision name: Cedar Grove Holly Neck
plat book # 12, folios 123, 124, 125 sections

OWNER: Yvonne Hume



LOCATION INFORMATION
Councilmanic District: 5
Election District: 15th Balto Co.
1"-200' scale map: SE 2-K
Zoning: R.C. 5
Lot size: 358 ± square feet
acreage square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:

92-350-A

Petitioner's Exhibit #1

North
date: 2-1-92
prepared by: Bill Karl

Scale of Drawing: 1" = 50'

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HOLLY NECK

SHEET
S.E.
2-K